

ORDINANCE NO. 1715

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE COUNTY OF AMADOR AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The Board of Supervisors of the County of Amador does ordain as follows.

Section 1. That an amendment to the contract between the Board of Supervisors of the County of Amador and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

Section 2. The Chairman of the Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 3. Prior to the expiration of fifteen (15) days from the passage of this Ordinance a summary thereof shall be published in the Amador Ledger-Dispatch, a newspaper of general circulation, published and circulated in the County of Amador. This Ordinance shall take effect thirty (30) days after the date of its adoption, and thenceforth and thereafter the same shall be in full force and effect.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 22nd day of November, 2011, by the following vote:

AYES: Supervisors John Plasse, Theodore F. Novelli, Louis D. Boitano,
Brian Oneto and Richard M. Forster

NOES: None

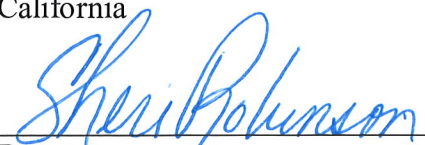
ABSENT: None



Chairman, Board of Supervisors

ATTEST:

Jennifer Burns, Clerk of the
Board of Supervisors, Amador County,
California



Deputy



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Supervisors
County of Amador**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1947, and witnessed September 2, 1947, and as amended effective June 1, 1954, February 1, 1957, January 1, 1966, December 1, 1980, March 1, 1981, April 1, 1985, July 1, 1988, November 1, 1988, August 1, 1992, October 22, 1992, July 1, 1998, September 1, 2001, March 1, 2006, April 1, 2007 and June 1, 2011 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

Pursuant to Government Code sections 20460.1, 20469.1, subdivision (b), and 71624, this contract is hereby amended to add the Trial Court of Amador County, hereinafter referred to as Trial Court, as a contracting party. Trial Court shall participate in the Public Employees' Retirement System from and after the implementation date of the Trial Court Employment Protection and Governance Act pursuant to the terms and conditions of this contract, making its employees members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for in this contract and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency."

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A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective June 1, 2011, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to June 1, 2011, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after June 1, 2011, age 50 for county peace officers entering membership in the county peace officer classification on or prior to June 1, 2011 and for local prosecutors entering membership in the local prosecutor classification on or prior to the effective date of this amendment to contract; age 55 for county peace officers entering membership for the first time in the county peace officer classification after June 1, 2011 and for local prosecutors entering membership for the first time in the local prosecutor classification after the effective date of this amendment to contract.
2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1947 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

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- (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
 - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
 - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
 - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
- a. County Peace Officers (included as local safety members);
 - b. Local Prosecutors (included as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
- a. **FIRE FIGHTERS.**

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6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members entering membership in the miscellaneous classification on or prior to June 1, 2011 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after November 1, 1960, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after June 1, 2011 shall be determined in accordance with Section 21353 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a local prosecutor entering membership in the local prosecutor classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
9. The percentage of final compensation to be provided for each year of credited current service as a local prosecutor entering membership for the first time in the local prosecutor classification after the effective date of this amendment to contract shall be determined in accordance with Section 21369 (2% at age 55 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a county peace officer entering membership in the county peace officer classification on or prior to June 1, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited current service as a county peace officer entering membership for the first time in the county peace officer classification after June 1, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
12. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20438 ("County Peace Officer" shall include probation officers, deputy and assistant probation officers, juvenile hall employees, and persons employed as peace officers pursuant to Section 830.5 of the Penal Code as described in Government Code Section 20438).

- b. Section 20965 (Credit for Unused Sick Leave).
- c. Section 21427 (Improved Nonindustrial Disability Allowance) for local safety members.
- d. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members only.
- e. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).
- f. Section 21024 (Military Service Credit as Public Service).
- g. Section 20423.6 ("Local Safety Member" shall include local prosecutors, local public defenders, and local public defender investigators as described in Government Code Section 20423.6).
- h. Section 20938 (Limit Prior Service to Members Employed on Contract Date) for local prosecutors only.
- i. Section 20042 (One-Year Final Compensation) for those local miscellaneous members and county peace officers entering membership in the miscellaneous classification and county peace officer classification on or prior to June 1, 2011.
- j. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members.
- k. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after June 1, 2011.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to county peace officers entering membership for the first time in the county peace officer classification after June 1, 2011.

Section 21369 (2% @ 55 Full formula) is applicable to local prosecutors entering membership for the first time in the local prosecutor classification after the effective date of this amendment to contract.

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13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
14. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
15. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
16. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

17. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF SUPERVISORS
COUNTY OF AMADOR

BY _____
DARRYL WATSON, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk